

Elements of a claim (By which RELIEF can be granted)

Willie Lee HavMmeri,
Plaintiff
vs.
Methodist Health Systems,
Defendant

Case No. 3:22-cv-00594-E-BT

April 13, 2023

Overview

Over 120 days ago, the Defendant filed a Motion to Dismiss, citing failure to follow the Court's instructions (to deliver an "Amended Complaint" by October 31st 2022) *AND* to state a claim by which relief could be granted.

As confused as I was by their claim that I failed to follow the Court's Instructions to deliver an Amended Complaint (because I can see the document filed with the title "Amended Complaint" – doc. 24), I was equally confused as to why the Defendant's legal team would also insist that I failed to state a claim by which relief could be granted.

Summary

Below, I shall breakdown the 4 elements of my claim, and thereby prove that relief should be granted.

Breach of Duty | Damages | Causation | Duty

[Please note that nothing I say below is anything that is not mentioned already in my Amended Complaint *NOR* in the Exhibit provided by the Defendant in their Motion to Dismiss by which has been added to my Amended Complaint (Doc. 33, Motion to Dismiss, brief in support, Exhibit 1).]

[Please note: Doc. 33, Exhibit 1 is a copy of my Initial filings with the EEOC and All State Agencies. This document was presented by the Defendant, demonstrating they were well aware of my claims against them, all while claiming to need a "more definitive statement". I have successfully cited the F.R.C.P Rule 6(a)(3) due to the inaccessibility of the clerks office during the pandemic. Neither the EEOC nor the State Agencies refused my claims as one day late because of the inaccessibility of the Clerk's Office.

Breach of Duty

1. Breach of Duty, in this case, involves the Defendant, Methodist Health Systems failing to adhere to it's own company policy and protecting me as the plaintiff and employee from retaliation discrimination

based on gender by staff and my immediate supervisor. On March 10th 2020, I was cursed out at my workstation attempting to clock in to start my shift.

2. March 17th 2020, I sent my immediate supervisor an email formally complaining about the toxic work environment that also detailed her own instances of contributing to my toxic experiences. Both the Defendant as a company and my immediate supervisor had a DUTY to investigate my claims, deliver me an Incident Report to sign and to actively seek a resolution to my claims. Both the Defendant as a company and my immediate supervisor failed to perform their duties as stated in their own company policy (cited in Amended Complaint) which resulted in my termination of employment via unproven narratives of manipulating financial documents.

Damages

3. Damages are really too many to name.

After unceremoniously and unexpectedly losing my employment at the start of the pandemic (April 2020), I have struggled greatly on a financial level, in my marriage, with my children, abusing substances and feeling voiceless, useless, unworthy and unheard. For the past 3 years I have struggled with questions as to what I could have done differently to avoid termination and the only logical conclusion I can come up with is that if I never complained, I would have still had my job. If I never complained, there would be no investigation into manipulation of financial documents.

4. I believe specific damages can be detailed later but the question of how getting falsely fired for stealing time while trying to have discrimination investigated should be self-explanatory.

Causation

5. According to the Defendant's Company Policy, once I formally complained about my work environment and named several coworkers in addition to my immediate supervisor, ALL SAID PARTIES SHOULD HAVE BEEN SUSPENDED, PENDING AN INVESTIGATION AND REVIEW (cited in Amended Complaint – Company Policy Manual). My Immediate Supervisor (Employee of the Defendant) asked me via email exchange if we could please handle the matter in the department to which I replied back via company internal email "I request to speak to your immediate supervisor with my HR Rep present". This request was confirmed via company internal email, yet ultimately denied.

6. By not removing my immediate supervisor from the workplace pending the investigation, The Defendant allowed my immediate supervisor to build a case for termination against me, gather hand picked witnesses and ultimately have me removed before an investigation into my allegation of Gender Bias, Workplace Violence and Discrimination could take place. Therefore, the Defendant's failure to adhere to it's own policy on investigating my claims CAUSED me to be the subject of a covert investigation that led to my removal from the workforce with the stain of "stealing time" associated with my previous employment as I seek to enter the workplace.

7. The Defendant's failures to adhere to company policy, State Laws, Federal Laws etc (all cited in the Amended Complaint) has led to my wrongful termination.

Duty

8. The Defendant failed in it's duty to protect me from RETALIATION by my Immediate Supervisor, who worked alongside the Acting Investigator. Instead of investigating my immediate supervisor and several staff who were cited in my formal complaint, The Defendant allowed these staff members to have me investigated. This is a breach of Duty

9. The Defendant, having chained me to duty, according to policy and chain of command, willfully put me as an employee in a position that I had no choice but to formally complain to my immediate supervisor BEFORE I could escalate the matter forward. While it was the Defendant's duty to provide me with a safe workspace and the means to resolve matters within the company, the Defendant failed in it's duty to investigate my claims, provide me with an Incident Report, Suspend the parties I asked be investigated so as not to tamper and even inform me that I was being investigated for an immediate terminable offense, to which I maintain was false and based entirely on an unproven narrative of stealing time.

Conclusion

In my Amended Complaint, I listed several claims to which relief can be granted. I provided an Amended Complaint as instructed by the Judge. Above I have outlined all the elements of a claim to which entitles me to justice.

I am prepared to prove I was discriminated against based on my gender and that I was wrongfully terminated as a retaliatory method of silencing my initial complaint without it being investigated.

We have a DUTY, we have a BREACH OF DUTY, we have DAMAGES as a result and we have direct CAUSATION.

If any elements of a claim have been missed, it is not intentional and I await instructions on what needs to be corrected in my claim.

I'm hoping my case can finally move forward. As of April 10th 2023, it has now been 3 years since I've had to endure this injustice.

March 14th 2023 marked *ONE YEAR* since this case was opened with the U.S. District Court and we have yet to make it past the pleading stages. I sincerely seek a day in Court to prove my case against the Defendant.

I humbly ask to move forward so I can finally put this dark time in my life past me.

Respectfully submitted,

April 13th 2023

By: _____/s/ Willie HavMmeri

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